



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/457,208	12/07/1999	MARUTHI BHASKAR	CISCP127	7417
22434	7590	11/06/2003	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			SHAH, CHIRAG G	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/457,208

Applicant(s)

BHASKAR, MARUTHI

Examiner

Chirag G Shah

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 27-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-26 and 47 is/are allowed.
- 6) ☒ Claim(s) 1-23, and 27-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Referring to claims 1, 11, 21, 22, 26, 28, and 46 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification on page 10, lines 10-12 does not support, "...the load value corresponding to an actual amount of demand for each service class."

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2-6, 11-16, and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Ruszczyk (U.S. Patent No. 6,205,150) in view of Blake et al. (RFC 2475).

Referring to claims 1, 2, 11, 12, 21, Ruszczyk discloses a method of scheduling higher and lower priority data packets. Ruszczyk discloses in figure 4 and respective portions of the

Art Unit: 2664

specification of receiving a plurality of packets into a selected ingress router, each packet belongs to (either a high priority queue or low priority queue) a selected one of a plurality of service classes and the packets being transmitted to a particular destination. Ruszczyk further teaches in column to lines 10-60 and figure 4 and respective portions of the specification that data packets at various data rates or bandwidth class of service are sent from any or all of CPE. The routers place data packets into combination queues. Once the sorter places data packets in a higher priority or lower priority queue, the router schedules the data packets to be transmitted for execution. Ruszczyk further discloses in figure 3 that the router periodically monitors a combination queue for the presence of data packets for transmission. However, Ruszczyk fails to explicitly disclose of metering a load value for each service class and the particular destination of at least one of the packets and periodically transmitting one or more tickets to the destination to indicate the load value for each of the one or more service class. Blake discloses on pages 14-15 of an architecture for differentiated service Blake further discloses on pages 17 and 18 that the destination is selected one of the egress node/router as claim. Blake further discloses on page 15 and figure 1 and respective portions of the specification of a traffic meter that measures the properties of the stream of packets, implying metering the load value for each service class and the particular destination of at least one of the packets. Blake further discloses on page 10 of applying an integrated service/RSVP model that allows sources and receivers to exchange signaling messages, which establish additional packet between them. RSVP protocol works to reserve certain service features of the network and signal that a number of packets will follow this same path. It serves to forward functionality like priority to ensure the required class of service. Therefore, it would have been obvious to one of ordinary skill in the art to modify the

Art Unit: 2664

teachings of Ruszczyk to include the teachings of Blake to ensure that metering and reserving of signaling message for each priority class enhances the scheduling and allocating of resources with respect to priority more reliably and efficiently.

Referring to claims 3-6 and 13-16, Ruszczyk discloses a method of scheduling higher and lower priority data packets. Ruszczyk discloses in figure 4 and respective portions of the specification of receiving a plurality of packets into a selected ingress router, each packet belongs to (either a high priority queue or low priority queue) a selected one of a plurality of service classes and the packets being transmitted to a particular destination. Ruszczyk further teaches in column to lines 10-60 and figure 4 and respective portions of the specification that data packets at various data rates or bandwidth class of service are sent from any or all of CPE. The routers place data packets into combination queues. Once the sorter places data packets in a higher priority or lower priority queue, the router schedules the data packets to be transmitted for execution. Ruszczyk further discloses in figure 3 that the router periodically monitors a combination queue for the presence of data packets for transmission. Ruszczyk fails to disclose of one or more tickets (or each ticket) indicate a total number of streams (or a single stream) for each class (or particular class) that is being transmitted to the destination (same). Blake discloses on page 10 of applying an integrated service/RSVP model that allows sources and receivers to exchange signaling messages, which establish additional packet between them. RSVP protocol works to reserve certain service features of the network and signal that a number of packets will follow this same path. It serves to forward functionality like priority to ensure the required class of service. This ensures that number of streams (packets) with respect to class based priority is reserved and transmitted to a same destination, thus implying, number of packets will follow the

Art Unit: 2664

reserved path. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Ruszczyk to include the teachings of Blake to ensure reserving of signaling message for each priority class enhances the transmitting of streams to destination with respect to priority more reliably and efficiently.

4. Claims 7-10 and 17-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Ruszczyk in view of Blake as applied to claims 1, 2-6, 11-16, and 21 above, and further in view of Yin (U.S. Patent No. 6,442,138).

Referring to claims 7-10, and 17-20, Ruszczyk in view of Blake disclose of sending one or more tickets to a router reserving certain service features of the network and signal that a number of packets will follow this same path. Ruszczyk in view of Blake fails to disclose that the selected core router is configured to allow the selected core router to dynamically allocate resource based on the current load of each class. Yin teaches of a system that determines the allocated bandwidth for the specified class of service. Yin discloses in figure 1, column 3, lines 65 to column 2, lines 13 of providing dynamic allocation of bandwidth resources, adapting to changing network configurations and changing network traffic. As the bandwidth allocation is modified or updated by the CAC, a corresponding signal is provided to queue scheduler to adjust the manner in which queue are serviced by queue selector. Thus, implying one or more tickets are only transmitted (after a elapsed, predetermined time) for a particular class when the load value has changed for such service class. In addition to what Yin discloses in figure 1, column 3, lines 65 to column 2, lines 13, Yin further discloses in column 6 lines 1 to column 7 lines 61 that the node or router is configured to allow the node to dynamically allocate resources based on the

Art Unit: 2664

current load of each class and the tickets facilitate assured forward routing service performed by the core router. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Ruszczyk in view of Blake to include the teachings of Yin in order to ensure maximum utilization of the available bandwidth.

5. Claims 22, 23, 27, and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Ruszczyk in view of Blake, and further in view of Yin (U.S. Patent No. 6,442,138).

Ruszczyk discloses a method of scheduling higher and lower priority data packets. Ruszczyk discloses in figure 4 and respective portions of the specification of receiving a plurality of packets into a selected ingress router, each packet belongs to (either a high priority queue or low priority queue) a selected one of a plurality of service classes and the packets being transmitted to a particular destination. Ruszczyk further teaches in column to lines 10-60 and figure 4 and respective portions of the specification that data packets at various data rates or bandwidth class of service are sent from any or all of CPE. The routers place data packets into combination queues. Once the sorter places data packets in a higher priority or lower priority queue, the router schedules the data packets to be transmitted for execution. Ruszczyk further discloses in figure 3 that the router periodically monitors a combination queue for the presence of data packets for transmission. However, Ruszczyk fails to explicitly disclose of metering a load value for each service class and the particular destination of at least one of the packets and periodically transmitting one or more tickets to the destination to indicate the load value for each of the one or more service class. Blake discloses on pages 14-15 of an architecture for differentiated service Blake further discloses on pages 17 and 18 that the destination is selected one of the egress node/router as claim. Blake further discloses on page 15 and figure 1 and

Art Unit: 2664

respective portions of the specification of a traffic meter that measures the properties of the stream of packets, implying metering the load value for each service class and the particular destination of at least one of the packets. Blake further discloses on page 10 of applying an integrated service/RSVP model that allows sources and receivers to exchange signaling messages, which establish additional packet between them. RSVP protocol works to reserve certain service features of the network and signal that a number of packets will follow this same path. It serves to forward functionality like priority to ensure the required class of service. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Ruszczyk to include the teachings of Blake to ensure that metering and reserving of signaling message for each priority class enhances the scheduling and allocating of resources with respect to priority more reliably and efficiently. Ruszczyk in view of Blake disclose of sending one or more tickets to a router reserving certain service features of the network and signal that a number of packets will follow this same path. Ruszczyk in view of Blake fails to disclose that the selected core router is configured to allow the selected core router to dynamically allocate resource based on the current load of each class. Yin teaches of a system that determines the allocated bandwidth for the specified class of service. Yin discloses in figure 1, column 3, lines 65 to column 2, lines 13 of providing dynamic allocation of bandwidth resources, adapting to changing network configurations and changing network traffic. As the bandwidth allocation is modified or updated by the CAC, a corresponding signal is provided to queue scheduler to adjust the manner in which queue are serviced by queue selector. Thus, implying one or more tickets are only transmitted (after a elapsed, predetermined time) for a particular class when the load value has changed for such service class. In addition to what Yin discloses in figure 1, column 3,



Art Unit: 2664

lines 65 to column 2, lines 13, Yin further discloses in column 6 lines 1 to column 7 lines 61 that the node or router is configured to allow the node to dynamically allocate resources based on the current load of each class and the tickets facilitate assured forward routing service performed by the core router. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teaching of Ruszczyk in view of Blake to include the teachings of Yin in order to ensure maximum utilization of the available bandwidth.

***Allowable Subject Matter***

6. Claims 24-26 and 47 allowed.

***Response to Arguments***

7. Applicant's arguments filed 9/8/03 have been fully considered but they are not persuasive.

Referring to claims 1, 11, 21, 22, 26, 28, and 46 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification on page 10, lines 10-12 does not support, "...the load value corresponding to an actual amount of demand for each service class."

Art Unit: 2664

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703) 305-9051, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

(703) 305-5403 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Art Unit: 2664

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 703-305-5639. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cgs

  
Chirag G. Shah  
Examiner